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उप-खण्ड (I)

राज्य सरकार तथा अन्य राज्य-प्राधिकारियों द्वारा जारी किये गये (सामान्य आदेशों, उप-विधियों आदि को सम्मिलित करते हुए) सामान्य कानूनी नियम।

Mines and Petroleum Department

NOTIFICATION

Jaipur, August 05, 2022

G.S.R.59 .-In exercise of the powers conferred by section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957), the State Government hereby makes the following rules further to amend the Rajasthan Minor Mineral Concession Rules, 2017, namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Minor Mineral Concession (Second Amendment) Rules, 2022.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of rule 7.- In rule 7 of the Rajasthan Minor Mineral Concession Rules, 2017, hereinafter referred to as the said rules,-

(i) the existing sub-rule (2) shall be substituted by the following, namely:-

“(2) The minimum area for grant of mining lease shall be,-

(i) for mineral bajri (river sand) 5.00 hectare; and

(ii) for all other minerals 1.00 hectare:

Provided that the size mentioned in clause (ii) shall not be applicable for gap areas lying between two or more mining leases or area bounded by forests land or any other reserved land.

Provided further that to ensure scientific mining, as far as possible, plots under rule 12 shall be delineated for bigger area.”; and

(ii) after the existing sub-rule (3) and before the existing sub-rule (4), the following new sub-rule (3A) shall be inserted, namely:-

“(3A) The area adjoining to any mining lease which is not a gap area and less than 1.00 hectare shall be granted as strip of land and shall be added in the adjoining existing mining lease on an application submitted by the lessee to the concerned Mining Engineer or Assistant Mining Engineer. The existing lessee in whose lease area, strip of land is added shall pay one time premium equivalent to fifteen times of dead rent of the area to be added as per schedule III and which shall not be adjusted against dead rent or royalty. The strip of land shall be granted by the competent authority as provided in rule 16:

Provided that where such area is owned by private person, registered consent of the khatedar shall have to be submitted by the lessee before grant of such area.”.

3. Amendment of rule 8.- After the existing sub-rule (3) of rule 8 of the said rules, the following new sub-rule (4) shall be added, namely:-

“(4) The area adjoining to any quarry licence which is not a gap area and less than 0.18 hectare shall be granted as strip of land and shall be added in the adjoining existing quarry licence on an application submitted by the licensee to the concerned Mining Engineer or Assistant Mining Engineer. The existing licensee in whose licence area, strip of land is added shall pay one time premium equivalent to fifteen times of annual licence fee, for the area to be added, which shall not be adjusted against annual licence fee or royalty. The strip of land shall be granted by the concerned Mining Engineer or Assistant Mining Engineer:

Provided that where such area is owned by private person, registered consent of the khatedar shall have to be submitted by the licensee before grant of such area.”.

4. Amendment of rule 9.- After the existing sub-rule (3) and before the existing sub-rule (4) of the said rules, the following new sub-rule (3A) shall be inserted, namely:-

“(3A) Notwithstanding anything contained in sub-rule (1), (2) and (3), the period of existing mining leases other than the leases of bajri (in river sand and in khatedari land except Bikaner district) may be further extended upto 31st March, 2040 subject to following conditions:-

- (i) An online application for extension of mining lease period shall be submitted to the Mining Engineer or Assistant Mining Engineer concerned with a non refundable fee of rupees ten thousand;
- (ii) Lessee has not carried out any illegal mining activities during last three years or the case is compounded;
- (iii) The dead rent of the mining lease for extended period shall be as per Schedule III:

Provided that the dead rent so calculated shall not exceed twice the existing dead rent and if exceed, shall be limited to the extent of twice of the existing dead rent;

- (iv) Advance payment of premium amount at the rate of annual dead rent of the area as per clause (iii) for each year of extension or part thereof sought by the lessee; and
- (v) The competent authority for disposal of application for extension of mining lease period shall be same as provided in rule 16.”.

5. Amendment of rule 10.- After the existing sub-rule (3) and before the existing sub-rule (4) of the said rules, the following new sub-rule (3A) shall be inserted, namely:-

“(3A) Notwithstanding anything contained in sub-rule (1), (2) and (3), the period of existing quarry licences may be further extended upto 31st March, 2040 subject to following conditions:-

- (i) An online application for extension of quarry licence period shall be submitted to the Mining Engineer or Assistant Mining Engineer concerned with a non refundable fee of rupees three thousand;
- (ii) Licensee has not carried out any illegal mining activities during last three years or the case is compounded;
- (iii) Advance payment of premium amount at the rate of annual licence fee for each year of extension or part thereof sought by the licensee; and

- (iv) The applications for extension of quarry licence period shall be disposed of by Mining Engineer or Assistant Mining Engineer concerned.”.

6. Substitution of rule 12.- The existing rule 12 of the said rules shall be substituted by the following, namely:-

“12. Prerequisites for e-auction of mineral concession.- The area where a mineral concession is proposed to be granted through auction, prior to issuance of notice inviting bid, the Government shall identify and demarcate the area using global positioning system or global navigation satellite system and the area so demarcated shall be classified into forests land, charagah land and government land:

Provided that in case of mineral bajri (river sand), identification and demarcation of the area may be done by using global positioning system or global navigation satellite system or khasra-wise.

Provided further that the Director may reserve upto two plots per district per year of mineral masonry stone exclusively for establishment of M-sand unit”.

7. Amendment of rule 13.- In sub-rule (1) of rule 13 of the said rules,-

- (i) for the existing punctuation mark “:” appearing at the end, the punctuation mark “.” shall be substituted; and
- (ii) the existing proviso to sub-rule (1) shall be deleted.

8. Amendment of rule 14.- In rule 14 of the said rules,-

- (i) in existing sub-rule (2), for the existing expression “forests land, land owned by the Government and private persons”, the expression “forests land and government land” shall be substituted.;
- (ii) the existing sub-rule (4) shall be substituted by the following, namely:-

“(4) Notice inviting bid shall contain brief particulars regarding the area under auction, including, particulars of area classified into forests land and government land.”; and

(iii) in sub-rule (8),-

- (a) in clause (vi), for the existing punctuation mark “;” appearing at the end, the punctuation mark “.” shall be substituted.;
- (b) in clause (vi), so amended, the following new proviso shall be added, namely:-

“Provided that above provision shall be applicable only for the plots auctioned before the commencement of the Rajasthan Minor Mineral Concession (Second Amendment) Rules, 2022.”;

- (c) in clause (vii), for the existing punctuation mark “;” appearing at the end, the expression “; and” shall be substituted.;
- (d) in clause (viii), for the existing expression “; and”, the punctuation mark”.” shall be substituted.;

9. Amendment of rule 16.- In rule 16 of the said rules,-

- (i) in sub-rule (1),-
 - (a) for the existing punctuation mark “.” appearing at the end, the punctuation mark “:” shall be substituted.;

- (b) in sub-rule (1), so amended, the following new proviso shall be added, namely:-

“Provided that the gap area and strip of land shall be granted as per the provisions of sub-rule (3) and (3A) of rule 7 respectively.”; and

- (ii) the existing sub-rule (2) shall be substituted by the following, namely:-

“(2) Upon compliance of the sub-rule (10) of rule 14, the competent authority shall issue a letter of intent to successful bidder or applicant, as the case may be, to,-

- (i) submit registered consent of the khadedar within sixty days from date of issuance of letter of intent in case of khadedari land having an area more than four hectare:

Provided that above provision shall be applicable only for the plots auctioned before commencement of the Rajasthan Minor Mineral Concession (Second Amendment) Rules, 2022;

- (ii) furnish the performance security as specified in rule 20 and submits approved mining plan within six months from date of issuance of letter of intent;
- (iii) submit approval under the Forest Conservation Act, 1980 or consent under the Rajasthan Tenancy (Government) Rules, 1955 or prior recommendation of the Panchayati Raj within eighteen months from date of issuance of letter of intent, as the case may be:

Provided that the above period may be extended by the competent authority subject to payment of late fees at the rate of ten percent of annual dead rent for delay of every month or part thereof.”; and

- (iv) the existing sub-rule (3) shall be substituted by the following, namely:-

“(3) If the applicant or successful bidder, as the case may be, complies with the conditions of letter of intent within the stipulated or extended period of time, the mining lease shall be granted by the competent authority with the condition that the lessee shall commence mining operations after obtaining environment clearance:

Provided that in the cases where letter of intent has been issued before commencement of the Rajasthan Minor Mineral Concession (Second Amendment) Rules, 2022 with the condition to submit environment clearance, mining lease shall be granted with above condition after deposition of late fees at the rate of ten percent of annual dead rent for delay of every month or part thereof.”.

10. Amendment of rule 17.- In rule 17 of the said rules,-

- (i) in sub-rule (1),-
- (a) for the existing punctuation mark “.” appearing at the end, the punctuation mark “:” shall be substituted.; and
- (b) in sub-rule (1), so amended, the following new proviso shall be added, namely:-

“Provided that the gap area and strip of land shall be granted as per the provisions of sub-rule (3) and (4) of rule 8 respectively.”;

- (ii) the existing sub-rule (2) shall be substituted by the following, namely:-

“(2) Upon compliance of sub-rule (10) of rule 14, the Mining Engineer or Assistant Mining Engineer concerned shall issue a letter of intent to successful bidder or applicant, as the case may be, to,-

- (i) submit registered consent of the khadedar within sixty days from date of issuance of letter of intent in case of khadedari land having an area more than four hectare:

Provided that above provision shall be applicable only for the plots auctioned before commencement of the Rajasthan Minor Mineral Concession (Second Amendment) Rules, 2022;

- (ii) furnish the performance security as specified in rule 20 and submits approved mining plan or simplified mining scheme within six months from date of issuance of letter of intent;
- (iii) submit approval under the Forest Conservation Act, 1980 or consent under the Rajasthan Tenancy (Government) Rules, 1955 or prior recommendation of the Panchayati Raj within eighteen months from date of issuance of letter of intent, as the case may be:

Provided that the above period may be extended by the Mining Engineer or Assistant Mining Engineer concerned subject to payment of late fees at the rate of ten percent of annual licence fee for delay of every month or part thereof.”; and

- (iv) the existing sub-rule (3) shall be substituted by the following, namely:-

“(3) If the applicant or successful bidder, as the case may be, complies with the conditions of letter of intent within the stipulated or extended period of time, the quarry licence shall be granted by the Mining Engineer or Assistant Mining Engineer concerned with the condition that the licensee shall commence mining operations after obtaining environment clearance. The grantee shall pay the second installment being twenty percent of the premium amount before issuance of quarry licence in Form-7 by the Mining Engineer or Assistant Mining Engineer:

Provided that in the cases where letter of intent has been issued before commencement of the Rajasthan Minor Mineral Concession (Second Amendment) Rules, 2022 with the condition to submit environment clearance, quarry licence shall be granted with above condition after deposition of late fees at the rate of ten percent of annual licence fee for delay of every month or part thereof.

Provided further that if the successful bidder fails to comply with the conditions of letter of intent within the stipulated or extended period of time, the Mining Engineer or Assistant Mining Engineer concerned shall reject the bid or application, as the case may be and forfeit the application fees, premium amount and performance security deposited, after providing an opportunity of being heard by issuing notice of thirty days.”.

11. Amendment of rule 17A.- In sub-rule (2) of rule 17A of the said rules, the existing expression “maximum area shall be four hectare and” shall be deleted.

12. Amendment of rule 27.- The existing sub-rule (9) of rule 27 of the said rules shall be substituted by the following, namely:-

“(9) Transfer of lease or licence shall be permitted subject to payment of one time premium at the rate of five times of annual dead rent or annual licence fee with maximum of rupees five lacs before the execution of transfer agreement. The premium so deposited shall not be adjusted against dead rent or annual licence fees or royalty as, the case may be:

Provided that where transferee is wife/husband or son/daughter of transferor, the premium amount shall be rupees fifty thousand.

Provided further that lessee or licensee who obtained lease or licence through tender or auction shall not be required to pay the premium amount under this sub-rule.

13. Amendment of rule 28.- In rule 28 of the said rules,-

- (i) after the existing proviso to clause (ii) of sub-rule (2), the following new proviso shall be added, namely:-

“Provided further that where mining lease is granted with the condition that the lessee shall commence mining operations after obtaining environment clearance, in such case dead rent shall be payable after commencement of mining operations or one year from the date of registration of lease deed, whichever is earlier,”;

- (ii) the existing sub-clause (d) of clause (iv) of sub-rule (2), shall be substituted by the following, namely:-

“(d) The lessee shall furnish quarterly online return in the FORM-15 by the 15th day of the following quarter and online annual return in FORM-16 within three month from the date of expiry of the financial year. The receipt of annual return shall be acknowledged in FORM-17:

Provided that if the lessee fails to submit online quarterly returns or annual return within the specified time above, same may be submitted on payment of late fee at the rate of rupees five hundred per month of delay, subject to maximum of rupees five thousand; and

- (iii) after the existing clause (ii) of sub-rule (3), the following new proviso shall be added, namely:-

“Provided that where quarry licence is granted with the condition that the licensee shall commence mining operations after obtaining environment clearance, in such case annual licence fee shall be payable after commencement of mining operations or one year from the date of issuance of licence, whichever is earlier.”.

14. Deletion of SCHEDULE I.- The existing SCHEDULE I appended to the said rules shall be deleted.

15. Amendment of FORM-6.- After the existing proviso to sub-clause (3) of clause 4 of FORM-6 appended to the said rules, the following new proviso shall be added, namely:-

“Provided further that where mining lease is granted with the condition that the lessee shall commence mining operations after obtaining environment clearance, in such case dead rent shall be payable after commencement of mining operations or one year from the date of registration of lease deed, whichever is earlier.”

16. Substitution of FORM-15.- The existing FORM-15 appended to the said rules shall be substituted by the following, namely:-

“FORM-15
QUARTERLY e-RETURN FOR MINING LEASE
 [See rule 28(2)(iv)(d)]

Name of lessee.....

M.L. no.

Period of lease

Quarter ending on (month).....

Quantity dispatched:

S.No.	Opening stock of mineral	Production	Total	Quantity dispatched	Closing balance	Plantation done in this quarter
1	2	3	4	5	6	7

Average no. of workers	No. of labour insured in this quarter	No. of labour insured till this quarter	No. of medical check-up of labour done in this quarter	Working days	Quantity of over burden removed	Remarks
8	9	10	11	12	13	14

I/We declare that particulars given above are correct and I/We will furnish any other details/documents required in the connection on demand.

Place: _____

Date: _____

Yours Faithfully

Signature of lessee / Qualified Technical Person
 Name and Address

.....”

[No. F.14(1)Mines/Gr.II/2022]
By order of the Governor,

Neetu Barupal,
Dy. Secretary to the Government.

Government Central Press, Jaipur.